THE RESPONSIBLE STATE

F. H. GIDDINGS

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THE COLVER LECTURES
IN BROWN UNIVERSITY

1918

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Brown University. The Colver Lectures, 1918

THE RESPONSIBLE STATE

A Reëxamination of Fundamental Political Doctrines in the Light of World War and the Menace of Anarchism

BY

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THE Colver lectureship is provided by a fund of $10,000 presented to the University by Mr. and Mrs. Jesse L. Rosenberger of Chicago in memory of Mrs. Rosenberger's father, Charles K. Colver of the class of 1842. The following sentences from the letter accompanying the gift explain the purposes of the foundation:—

"It is desired that, so far as possible, for these lectures only subjects of particular importance and lecturers eminent in scholarship or of other marked qualifications shall be chosen. It is desired that the lectures shall be distinctive and valuable contributions to human knowledge, known for their quality rather than their number. Income, or portions of income, not used for lectures may be used for the publication of any of the lectures deemed desirable to be so published."

Charles Kendrick Colver (1821–1896) was a graduate of Brown University of the class of 1842. The necrologist of the University wrote of him: "He was distinguished for his broad and accurate scholarship, his unswerving personal integrity, championship of truth, and obedience to God in his daily life. He was severely simple and unworldly in character."

The lectures already published in this series are:—

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The American Conception of Liberty and Government, by Frank Johnson Goodnow, LL.D., President of Johns Hopkins University. In boards, 63 pages; price, 50 cents.

1917

Medical Research and Human Welfare, by W. W. Keen, M.D., LL.D. (Brown), Emeritus Professor of Surgery, Jefferson Medical College, Philadelphia. In cloth, 160 pages; price, $1.25.

PREFACE

THESE *lectures make in print a small book; nevertheless, it is a product of long reflection checked up by a varied experience. As professor of political science I taught the orthodox theory of the state. As professor subsequently of sociology, somewhat severely conceived as a study statistical in method, and in content bordering on psychology and on history, I have increasingly felt the unreality of Teutonic political philosophy, while as an editorial writer on the staff of "The Independent" since 1900 I have been compelled to take account of momentous happenings in a world wider than the academic.*

From time to time I have printed more technical discussions of some of the topics here presented. Readers who may be interested in them are referred to the chapters: "The Nature and Conduct of Political Majorities," "The Destinies of Democracy," "The Consent of the Governed," "The Survival of Civil Liberty," and "The Gospel of Non-Resistance" in "Democracy and Empire"; to an article on "Sovereignty and Government" in the "Political Science Quarterly," vol. XXI, *no. 1; to the presi-*

dential address, "Social Theory and Public Policy," before the American Sociological Society in 1910, "American Journal of Sociology," vol. XVI, no. 5; and to the Carroll D. Wright lecture, "Americanism in War and in Peace," published a year ago by Clark University.

To my colleagues, in particular to Professor Munroe Smith and to Professor Howard Lee McBain, I am indebted for valued suggestions.

FRANKLIN HENRY GIDDINGS

NEW YORK, *May*, 1918

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THE RESPONSIBLE STATE

I

ORIGINS OF THE STATE

THE heads of wheat are heavy, in the great field across the way. They are yellowing, and nearly ripe. The swift onrush of a summer storm will snap some of them off. The others are safe, for their yet green stalks are strong to resist, and the sheets of rain under a dragging thundercloud will only bend them over. In the meadow beyond, horses and cattle push their faces obstinately into the blast. Men work furiously, tumbling up windrows of hay, and pitching great forkfuls to the "last load."

Life is a combat. Plants, animals, human beings, perish when they cease to contend with environing forces. Animals and men, driven by fear and desire, struggle not only for physical existence, but

also for conscious satisfactions. Human beings toil to exist, they work for satisfactions, they strive to attain. They strive to attain possessions and power, character and excellence, knowledge and wisdom.

The struggle for existence and for attainment, unceasing and all-comprising, is more than an individual affair. For each individual it is complicated by the struggles of other individuals more or less like himself. Also, efforts are combined. There is team work: there is coöperation. There is roaming together in bands and herds. There is dwelling together in hamlets and burgs, in cities and nations. There are mobs and town meetings, there are battles and parliaments, carnivals and pilgrimages; there are worshiping throngs. There is ordered activity in mills, and bargaining in marts. There are group struggles and class struggles, there are national and imperial struggles, as well as individual struggles, for existence and for attainment.

How collective effort began we may guess, and our guessing need not be unprofitable, but we never shall perfectly know. When the first chapters of written history were stamped on bricks man already lived in towns. For uncounted millenniums, before any town was built, he had consciously experimented with social relations no less than with useful arts and material possessions. Back of those millenniums lay dim ages through which he only groped his way, making accidental discoveries and catching glimpses now and then of possibilities that he could neither understand nor greatly profit by.

If we try to supplement archæology and tradition by comparative studies of human groups yet surviving in differing stages of culture, we find the undertaking beset with difficulties, and our conclusions at best are little more than probabilities. Three or four things only are certain. Before town dwellers devised political institutions men lived in tribal aggregations. The bond of cohesion was under-

stood to be blood kinship. Often it was more nominal than real. Sometimes it was admittedly fictitious, and sometimes it was disregarded or broken through by the rising power of chieftains commanding bands of personal followers recruited from the outcasts and outlaws of alien or conquered tribes.

In many parts of the world kinship was traced in the mother line, as, for example, it was in the Iroquois tribes of central New York. Elsewhere and in other races it was traced in the father line, as it was among the Hellenic Greeks, among the Romans, among many, if not all of the Celts, and among the ancient Germans. It is probable that in many instances, but not in all, a patrilinear kinship was preceded by a matrilinear kinship.

Back of all tribal organizations were smaller and less definite groupings like those of the South African Bushmen, or of the Veddas of Ceylon. It is by no means certain that these groups attached importance to blood kinship or even recognized

it. Fragments of evidence indicate that primitive social cohesion was essentially a religious phenomenon. Everywhere we find belief in an uncanny power, impersonal and contagious, which our students of religious origins have agreed to call "mana," the name by which it is known among the Malay peoples. North American Indian names for it were "Orenda" and "Wakunda." The Greek and Roman names for it have survived in words for things demoniac, or virile, or virtuous, and the elemental meaning of "virtue" appears in the King James version of the words of Jesus to the woman who touched his garment: "I perceive that virtue is gone out of me." "Mana" could heal or it could kill. It could curse or it could bless. It was the wisdom of the sage, the courage of the warrior, the fear of the coward. It is probable that the earliest social bond holding together more individuals than composed a single family was a sense of sharing a common "virtue" or of possessing or having ac-

cess to a common source or supply of "mana."

I have prefaced what I am about to say upon "The Responsible State" by these allusions to social origins because at the present moment they have a new and peculiar significance. The thoughts of sober-minded men have turned anew to theories of political life because a Teutonic philosophy of authority has incited, has directed, and has sought to justify the most diabolical collective conduct that the human race, in all its career since the Heidelberg jaw was clothed in flesh, has infamously committed. This theory has seized upon a creation of the demoniac imagination and called it The State, spelled with a large "T" and a capital "S." To this metaphysical monstrosity it has attributed resistless might and absolute righteousness. It proclaims that a Prussianized empire may without guilt perpetrate acts that a civilized state would brand as crime if they were perpe-

trated without orders by an individual subject. To exorcise this monstrosity and cast it out forever, the civilized world is arrayed against the Hohenzollern in desolating conflict. Back of all immediate aims lies the ulterior purpose of the allied nations to define the powers and to establish the supremacy of a responsible state, accountable to the conscience of mankind. That state is finite, concrete, and historical. To understand it, in its origins, its character, and its functioning, is to know for what cause we gladly give all else that men hold dear.

Essentially, the issue is simple and plain. But concrete human life is not simple, and the human mind is far more a thing of conflicting instincts and turbulent passions than of clear vision and logically ordered thought. Cowardice and folly have ever been the handmaidens of iniquity, and in the mighty endeavor to which we are committed we have to meet not only the gun-fire of the Hun, but, as well, the specious objections of men and

women who try to exploit reasonableness in the name of a conscientious pacifism, or, with ill-concealed treachery, to abet a German peace. These persons have seized upon what they ignorantly conceive to be our scientific knowledge of social origins and social psychology to prove that "what men fight for" is only the animal satisfaction of brutal combativeness, or the hysterical explosion of herd instinct.

In particular they try to identify patriotism with herd instinct and thereby to discredit patriotic feeling. Now, patriotism is not herd instinct and the difference is not merely one of degree. Between herd instinct and patriotism there is a profound difference of kind and ages of social evolution, and the wish to make this fact quite clear is my reason for going back to social origins before attempting to describe the responsible state. Patriotism arose when herd instinct failed. It grappled with a task for which herd instinct, helped out by tribal habit, proved to be inadequate.

Neither the primitive horde, nor its successor the tribe, was in any true sense of the word a political society. Even the tribal confederation was not, strictly speaking, a state. Political society came into existence when it became necessary to devise a plan of organization broad and elastic enough to include men of more than one cult and of more than one kinship, or, as often happened, of personal allegiance to more than one chieftain. That necessity confronted practical men when they began to live in towns.

The earliest towns grew up, we may surmise, about sacred places, or at places that could be defended against the elements or against enemies. To guard the shrine or the stronghold garrisons were appointed. Priests, soldiers, and craftsmen specialized their functions. Pilgrims came, bearing gifts. Barter flourished. Stores of food were accumulated, and supplies of utensils and weapons. Barter became trade and traders became merchants, and all

this while the inhabitants were still clansmen and tribesmen, jealous of clan names and rights, perpetuating clan feuds and counting men of other breeds than their own as enemy aliens.

But enemy aliens, the broken and ruined men of conquered tribes, there always were in primitive society. Tribal forays multiplied them. Here and there they found protection and gave service as the personal followers of ambitious chieftains strong enough to defy tribal resentment. Towns gave them new opportunities. They could hide themselves there. If skillful craftsmen, they might be tolerated openly or even welcomed, and their children were accepted as inhabitants, as a matter of course.

So town populations both differentiated and segregated. The older stock, proud of its purer blood and cherishing its traditions, became an aristocracy, patrician, gentile, and genteel. The newer stocks, sprung from enemy aliens tolerated or made welcome within the walls, lived on and multiplied as social inferiors. At best

they were protected men, or clients. At worst they were dependents, organized by tens and hundreds in humiliating democratic equality, to mark them off sharply from the men of the *gentes*, among whom distinctions of rank and station were perpetuated. In any case they were the demos, the plebeians.

We do not need to argue that no instinct of the herd held together the heterogeneous factions of a demos, or bound them to a ruling aristocracy. Moreover, they were many, and always they multiplied and grew strong, until they threatened patrician supremacy.

What, then, were the ties or the pressures that held together the nondescript inhabitants of a town and made possible the city-state? A sense of community undoubtedly there was. The people were more than an aggregation of units assembled to exploit economic opportunity. They thought of their *polis* as an entity, and developed a strong feeling for it. This idea and the associated feeling were a

rudimentary political consciousness. It had two origins, one religious, the other military.

Plebeians could not share in the sacred rites perpetuated by patrician *gentes*. But there were gods and divine influences to which patricians and plebeians alike could turn. These were the local or regional *sacra*, the gods of the land. They were quite as truly sources of strength and healing and assurances of safety, and therefore as much to be propitiated as were the ancestral ghosts of the aristocratic groups. Regional religion tended from the first to supplant gentile religion and to become the common cult of townsmen. In military matters a parallel development occurred. The older groups were as jealous of their right to bear arms as they were of their gods. But they found it increasingly difficult, unaided, to defend their privileges and possessions. Accumulating wealth tempted attack by enemies, and to its enemies a city was even more truly an entity than it was to its inhabitants. Re-

curring wars left no alternative: it was necessary to organize plebeians for armed defense and to muster them into the city's military forces. Then, of course, full public rights could not longer be denied. The legal fiction of naturalization was invented. Ancient tribes and their subdivisions had long been localized. They had their metes and bounds within which aliens had been admitted to live. For civic and military purposes all dwellers within the territorial metes and bounds of a localized clan or moiety thereof were now declared to be nominally members of that clan or moiety. So the ancient gentile system survived in name. A new political system supplanted it in fact.

As it developed, the political system became itself an object of thought and of sentiment. Coerced by the necessity of adaptation to changed and changing conditions, members of the body politic became habituated to thinking more in terms of adjustment and less in terms of tradi-

tion; more in terms of the present and of future possibilities than in terms of the past; more in terms of a broadening co-operation by citizens, less in terms of kinship.

Have we not now caught glimpses of the origins of patriotism and learned something of its nature? Attachment to a place or region in distinction from love of kindred, reverence for the gods of the land or other regional *sacra* in distinction from tribal gods; a common interest in economic opportunities; a concurring will to maintain by arms the defense against enemies, and a rising consciousness of possibilities through continuing adaptation, — all these had blended in a new sentiment. That sentiment was patriotism, a growing volume of emotion shot through with thought. Herd instinct survived; it survives now, but subordinated to ideas. The feeling for kindred survived, but subordinated to a more inclusive emotion and to political imagination. Herd instinct was blind; patriotism was intelligent. Herd

instinct excluded; patriotism included and assimilated. Herd instinct and tribal feeling perpetuated the past; patriotism constructed the future. Then millenniums went by while patriotism broadened and deepened. The city-state lost itself in the national state, and the national state merged itself in the federal nation wherein to-day dwell men of all the kindreds of the earth. Patriotism claiming them exacts sacrifices from them, but also it exalts them, and generation after generation it rebuilds the future.

So constituted and so functioning patriotism is the soul of politically organized society, and politically organized society animate with patriotism is the concrete state, the subject of our present concern. Upon "the pure idea" of the state, Platonic or Hegelian, ethical or demoniac, we shall not linger. "The state as idea" is disembodied and irresponsible. The responsible state is a living population engaged in political experimentation. Its origins are discovered in human behavior.

Its evolution is historical. Its powers are finite. Its rights are conditional. Its duties are practical. We have looked at its origins, in a swift but necessary glance, to get our bearings. Now we shall turn our attention upon the powers of the responsible state, its rights and its duties.

II

POWERS OF THE STATE

THE city-state contained two embodiments and sources of political power, — one, the older gentile folk, aristocratic and proud; the other, an immigrant populace and its descendants. The aristocracy was a minority of the total population, and always it was tending to become relatively smaller as generations passed.

In this opposition of the few to the many there was nothing exceptional. In any aggregation of human beings it may be found by the discerning, and an understanding of its origin and significance is the beginning of any scientific knowledge of the powers of the state.

The causes of it lie deep in the psychology of pluralistic behavior. Everything that animals do and everything that human beings do is a reaction to stimulation. The reactions of different individ-

uals to the same given stimulus are not equally prompt, they are not equally vigorous, they are not equally persistent. Also, the reactions of different individuals differ in complexity and in volume. The timid start, and scurry out of the way. The less timid, but dull-witted and numerous, betray emotion, — of fear or of anger, or of satisfaction, or possibly of exultation. Exceptional individuals react intellectually. These begin to inquire, to examine. Perhaps they think and plan. They may compare observations and ideas and enter into discussion. Only a very few out of all the reacting units begin systematic work to put in operation a more or less well-considered plan. With varying degrees of persistence and of success these few make the adjustments and carry on the further activities called for by circumstances. No accident ever happens in the street, no excursion or outing is ever enjoyed, no fluctuation of supply or demand occurs in the market, no unforeseen exigency arises in a political cam-

paign that does not reveal to us these differences of reaction among our fellow-beings.

These facts are simple and familiar, but their import is tremendous. For the few who react systematically and persistently to new situations as they arise, are the nucleus, in human society, of a ruling group or class.

It has been my habit in my lectures on "Social Evolution" to call this dynamic nuclear group a "protocracy." Every kleptocracy of brigands or conquerors, every plutocracy, every aristocracy, and every democracy begins as a protocracy. It comes into existence and begins its career as a little band of alert and capable persons who see the situation, grasp the opportunity, and, in the expressive slang of our modern competitive life, "go to it" with no unnecessary delay.

We now have arrived at the first induction, the fundamental principle of political science, which is, namely: *The few always dominate.* Invariably the few

rule, more or less arbitrarily, more or less drastically, more or less extensively. Democracy, even the most radical democracy, is only that state of politically organized mankind in which the rule of the few is least arbitrary and most responsible, least drastic and most considerate.

But how, it is proper at this point to inquire, does protocracy achieve dominating influence and power, and how does it establish its rule? How does it make itself a kleptocracy, or a plutocracy, or an aristocracy? And how, at length, is its power limited and conditioned by the many, who thereby establish democracy?

Again we must begin with pluralistic behavior. When the few react to a new situation more systematically and adequately than the many do, the few thereby create yet another new situation, and it is one to which the many must adapt themselves as best they can. The action of the few is approved by numerous individuals who could not or did not initiate, but who

are willing to coöperate under direction and encouragement. If the enterprise succeeds, the ranks of these followers who aid and abet, but who never take responsibility, are rapidly filled, and from that moment the indifferent and the recalcitrant, the men on the side lines, and the objectors, have to conform to the ways and purposes of a going concern.

The history of American entrance into the European war affords us a perfect example of these phenomena. From the first day of August, 1914, there were men in the United States who saw the situation as it was. They understood the issues of a conflict that would menace civilization. They knew that, however long delayed, the day would come when, in aid of France and of Great Britain, and in defense of the responsible state, we should have to make our sacrifices and take our part, or be forever disgraced as a craven people. It was a stubborn fight that those men then began, to persuade a public that did not clearly see, to arouse a

people wedded to prosperity, and to convince a government loath to break with our traditions of aloofness from European quarrels. Those men did not admit that they were under any obligation, moral or legal, to remain "impartial in thought." They did not believe that descendants of Revolutionary soldiers and sons of Civil War veterans really were "too proud to fight." "Peace without victory" did not allure them, and they repudiated the proposition that with the "causes" and the "objects" of this war we were "not concerned." They did not have a pleasant time, those men of 1914 and 1915, but they held their ground, and they made their way. They won increasingly respectful attention, throughout the nation and at Washington. And when at length the hour came that choice had to be made between declaring war and surrendering our sovereignty to the Imperial German Government, it was an undivided nation that gave momentous decision. The respected author himself of the phrases

that I have reluctantly quoted because they are an essential and indelible part of the record, atoned then for them, by warning the Imperial German Sovereign that we now should devote our last dollar and our last life, if necessary, to the righteous task of destroying him.

Out of the deference, the complaisance, and the voluntary coöperation of the many, the few build up their own ascendancy and achieve domination. By quite other means they establish their rule.

Because they are the first to react in a systematic and adequate way to new situations that arise, the few are in a position to take quick advantage of new opportunities, economic or political, and history has not recorded reluctance on their part. It has been easier for them than for the many to grasp power, and easier for them than for the many to get rich. Expending neither more nor less foresight and energy than other men expend, the man advantageously placed can get more wealth and more power of other

kinds than the man not advantageously placed. In turbulent times, and among lawless men, he pursues his advantage without scruple. He conquers and loots. In days of peace, and among law-abiding men, he keeps, if he is wise, within the law, and, if perchance he is a good man, within the limits imposed by moral law.

Scrupulous or unscrupulous, he is in a position to bestow or to withhold favors. To other men he can open or close the gates of opportunity, and those to whom he opens them, in return of gratitude can serve him in divers ways as opportunity offers. There springs up about him, therefore, an ever-enlarging group of beneficiaries, eager to take and to execute his orders. If he is a successful military adventurer, he divides among his followers lands riven from the conquered, as William of Normandy apportioned the earldoms of England among the men that fought with him at Senlac. If he is only the political boss of a democracy, he distributes offices and franchises. If he is a

statesman, he broadens justice and redistributes public burdens. Whatever his relative greatness, if his station and its perquisites be ever so little greater than those held and enjoyed by other men, he can protect other men and advance them, or he can throw them over and break them down. Herein lies the crude, relentless power, wherewith he can rule, and does rule, in distinction from the intellectual and moral ascendancy through which he dominates.

All actual rule of man by man which falls short of the despotism or the slavery instituted by physical force, all rule, that is to say, in which there is a coefficient of consent on the part of the ruled, is resolvable into the relation of patron and beneficiary, of protector and protected, of office-bestower and office-holder, or some other form of that protean relationship between man and "his man" which in feudal days was understood to consist in the *beneficium* and the *commendatio.*

Actual day-by-day rule over a politi-

cally organized community by a dominant person or group is political government, and according as this rule is arbitrary or responsible, vigorous or weak, efficient or incompetent, government assumes one or another of the various forms with which history acquaints us, and with which we are familiar in current political discussion. The extremes are absolutism and anarchy. Between these extremes are privileged aristocracy, bordering upon absolutism, and radical democracy bordering upon anarchy. Between privileged aristocracy and radical democracy is a democratic republicanism.

Absolutism is the arbitrary rule of a monarch or of a military chieftain who has risen above competitors and subjected them to his will. The rise of a military leader to political power is effected through the active coöperation of practically the entire community. In the stress of war all other desires and interests sink to insignificance by comparison with the issues of life and death, and the commander who can

make an enemy fear him is hailed as the savior of the state. So long as he succeeds, there is little disposition to call his acts in question.

Unless, however, he was born a king, the military chieftain never can become a king in the strict meaning of the word. He may become an emperor as Cæsar did, or as Napoleon did. His children may be kings. But neither Cæsar nor Napoleon, great as their prestige was, and vast as was the power they wielded, was truly a king.

The king is a product, not of the turmoil of his own short day and his individual success. He is a product of history. He rules in divine right, and to that right he must have been born. The right itself came into existence ages upon ages ago.

The stuff and essence of divine right is divine power, inherited from men who themselves were embodiments and manifestations of it. In the days when all men believed in that "mana" or sacred virtue of which some account has been given, the men that could perform mighty deeds

were looked upon and explained as persons full of sacred and superhuman power. In the language of the Greeks, they were "daimons," literally "demoniacs," and other men feared them. They ruled not only by might, but also with authority. When they died they became gods, omnipotent and omniscient to guide and to help their sons, inheritors of their divinity and their power. Their line has been long, but Götterdämmerung at last has fallen. The sultan and the czar are gone. The Kaiser only yet goes forward with his exclusive God.

Absolutism has held its ground through the ages because mankind, unenlightened, unemancipated from superstition, driven often to desperation by impending starvation, has travailed in war. Distracted by war it has looked to its daimons to save society from anarchy and the race from death. Anarchy is the chaos of conspiring and competing protocracies, none of which is strong enough to establish a general rule. It is the breakdown of all ordered

and disciplined collective effort. It is that war of every man against every man, to escape from which, as John Hobbes told us, men gladly surrender their natural liberties and individual wills to a sovereign competent to rule.

Aristocracy arises in one of three ways. The original and earliest way has been described. The first aristocrats were those tribesmen, organized in clans or *gentes*, who founded city-states and clung tenaciously to their gentile organization, to their traditions and to their gods, long after they had admitted immigrant inhabitants to work and trade within the walls of the *polis*. Aristocracy of a different kind was created by conquering chieftains who bestowed lands and titles upon their more efficient and most loyal followers. A third kind of aristocracy is developed from plutocracy. Inherited wealth takes on graces and refinements, and is permitted to buy titles and estates.

Aristocracy may or may not rule. It cannot rule through long periods of stren-

uous war. The resolute king, the military dictator, the strong president, or the committee of safety governs then. In days of peace, aristocracies have governed successfully and wisely for a time. There were good historical as well as personal and philosophical reasons for Aristotle's preference for aristocracy as potentially the best of governmental forms.

As in days of violence, anarchy is the extreme alternative to absolutism, so in less turbulent times the extreme alternative to plutocratic or aristocratic rule is found in radical democracy.

All democracies, radical or conservative, have cast off historical dominations. They have abolished hereditary distinctions and continuing rule through successive generations by royal family or privileged class, and they submit themselves only to those new dominations that arise from hour to hour, to be overthrown as easily as they are established. Choosing and deposing their governing ministries in frequently recurring elections, they attempt

to level inequalities of condition and of opportunity.

Experiment has demonstrated that it is possible to establish many objective equalities in a population not too heterogeneous in composition and fortunate enough to enjoy prolonged peace. Adult individuals may be made politically equal by allowing to each one vote. All men may be made equal before the law. Equal educational opportunities may be provided and, with approximate equality, the burden of taxation may be distributed.

Radical democracy attempts to go further. It proclaims the justice and the desirability of economic equality, and it experiments with socialistic or communistic policies. By conservative minds socialistic objectives are commonly regarded as the most radical purposes of the radical programme. That is far from being the fact, and the error is a dangerous one. The most radical idea in politics is an assumption that all men, having been endowed by a democratic state with equal power

to vote, are equally competent to hold office and to rule. This is the essence of ultra-radicalism under all its forms. It was the dogma of that Jacksonian cult in the United States which glorified a shirt-sleeves democracy. It is the soul of Tammanyism in our great cities. It is the shibboleth of the Industrial Workers of the World, and of all anarchistic communists and Bolsheviki. Whether admitting it in words or not, radical democracy believes as strongly in subjective as in objective equality. It attributes to differences of nurture and to inequalities of educational opportunity the undeniable variability of individual efficiency and the range of behavior from brutality or treachery to honorable dealing and self-sacrifice. It denies that through biological heredity some men are by nature of nobler mould and greater ability than others.

Civilization is fighting for its life today against foes without and foes within. Warned of impending doom in a world enlightened and free, absolutism and di-

vine right, Junkerism and militarism, conceived the mad purpose to subjugate and rule the earth. Quick to take advantage of chaos and disaster, anarchistic democracy proclaims that the social revolution is at hand.

Happily, between these perils the organized common sense of civilization is intrenched and armed. Between aristocracy bordering on absolutism and radical democracy bordering on anarchy exists a democratic republicanism which reasonably well exemplifies the principles and fulfills the functions of that mixed government which Aristotle extolled as being all in all the best practically attainable in a concrete historical world of finite men. In the history of philosophy I do not find a more wonderful instance of clear and penetrating insight than this judgment arrived at by the first great inductive student of political phenomena. There were not many examples of democratic republicanism, with or without an admixture of nominal monarchy or harmless

aristocracy, two thousand years ago, and they offered but sorry resistance to imperial ambitions. Nor did they flourish in the long night of mediævalism, nor in the strenuous age of modern nation-making. The first undoubtedly successful one, which now has become the mightiest one, was founded less than one hundred and fifty years ago. Yet in that short time it has demonstrated its superiority as a combination of strength and adaptability to all other organizations of political power. England and her colonial dominions, France, Switzerland, Italy, and the nations of South America have adopted it, not always in form, but in substance and essential features. To democratic republicanism the world looks to-day to save and safeguard the priceless values of civilization.

Democratic republicanism at its best distributes political power with a close approximation to equality among adult citizens. It measurably succeeds in establishing even-handed justice in the courts

of law. It distributes public burdens with a wise regard to ability to bear them. It provides equal educational opportunities for all. It strives to protect the health and to conserve the strength of the population. Slowly at first, but in the long run surely, it curbs and abolishes privilege. It may go far — how far, no one now can predict — to achieve approximate equality of economic conditions.

But the dogma that men are or can be subjectively equal, it does not and will not concede. It takes the common-sense position that biologists know what they are talking about when they declare that by heredity men are not only different, but also are unequal, anatomically, physiologically, and psychologically. It no more believes that the citizens of a state are equal in resourcefulness, or in trustworthiness, or in constructive genius than that they are equal in muscular strength, or in swiftness to run, or in health, or in longevity. Acting on these common-sense convictions democratic republicanism looks

about for men of exceptional and specialized ability to perform legislative, administrative, and judicial tasks. It ungrudgingly acknowledges their superiority and listens to their counsel. It puts and keeps them in positions of authority and power. As the clear-seeing Harrington in "Oceana" demonstrated that it should, it establishes in the state the political rule of "a natural aristocracy," and under that rule it builds strongly and to endure the fabric of human freedom.

Political power is the dynamic content of sovereignty. In all the dictionaries there is no other word than this noun "sovereignty" that has more disastrously been conjured with by the metaphysical juggler. I shall not attempt to tell its history. Centuries ago its connotations submerged its denotations. Jurists and political theorists, losing sight of concrete fact, gave their minds to abstractions and wasted disquisition upon conceptual distinctions. And sovereignty became for

political science a thing that never was on sea or land.

In every state, the metaphysician argues, there "resides" and may be found a power to which individuals yield unconditional obedience. If it resides in a person, the state has "a" sovereign. If it resides in a class, or in a majority, or in an assembly, or in a people, that class or majority, assembly, or people, is "the" sovereign. Obeying individuals are "subjects" of sovereignty.

So far the metaphysician is on fairly safe ground, yet to this statement of his premise one exception must be filed. The morally responsible human being does not yield "unconditional" obedience to any earthly power. Somewhere there is a line that he cannot cross. He shrinks back from it, but, if driven on, he side-steps to the block or the gallows. So the metaphysician adds to his premise the saving clause, "under penalty of death"; but that clause, as we shall see directly, does not help his case. It only lands him in another

untruth, namely, that sovereignty is an irresistible power to "compel" obedience.

The metaphysician now has arrived at a conception, and relentlessly he elaborates its implications. Sovereignty is "original"; no antecedent political power created it. It is "independent"; no other political power controls it. Within the state it is "universal": no subject can hide himself from it or in any act of his life disregard it, for, being a power to compel, sovereignty is by implication "irresistible." These implications suggest others. As St. Paul logically remarked: "But when he saith all things are put under him, it is manifest that he is excepted, which did put all things under him." Sovereignty, therefore, is unconditioned. It is absolute. It is the source and creator of rights and itself the judge of right.

As a creation of the "pure" reason the metaphysical notion of sovereignty is very nearly a masterpiece, and the Kantian intellect, unfortunately, has taken it seriously.

Let us, however, plant our feet upon the ground and look about us. What personal sovereign, ruling despotically, ever admitted that his sovereignty was "original"? What one has not vehemently derived his power and his authority from God? And where has a sovereign's rule within his own state been universal? What significance, if any, attaches to that dear old tale of the sword that hung by a hair over the head of Damocles, or to the dread words written at Babylon the night that Belshazzar, King of the Chaldeans, was slain: "Mene, mene, tekel upharsin"; "God hath numbered thy kingdom and finished it"? Monarchs there have been who could ride down any individual antagonist. William of Normandy is said to have been formidable; but what monarch ever rode down an army or a mob? Backed by men who superstitiously believe in his divinity, or who repose confidence in his personal qualities, and who profit through their relationship to him, the personal sovereign can compel obedience within

limits, here and there, and now and then. Beyond this he only *commands* obedience. That is to say, he demands and gets obedience, although he could not, if he tried, compel it. He gets it, more or less willingly rendered, so long as his subjects reverently, or calculatingly, believe in him and feel that on the whole they profit by his rule.

When we turn from the consideration of personal sovereignty to an examination of class or mass sovereignty, we find that the facts are not greatly different. A class, a majority, a committee, or a mob can compel a limited obedience, here and there, now and then. An aristocracy long established and owning land, or a capitalist class, controlling modern means of production, can *exact* an enormous volume of obedience, which it could not actually compel if resistance were offered. In a psychological sense, a popular majority may compel a large measure of obedience for a time, through the sheer impressiveness of numbers, and the potentialities of

superior physical force. And finally an organized people, through the evolution of common sentiments and of public opinion, *evokes* obedience. It calls it forth through the play of moral solidarity upon the individual mind. Here and there, now and then, it compels, but that is not its characteristic or normal procedure.

Study of the circumstances under which governments become arbitrary or become responsible yields further cause for suspicion that the metaphysical notion of sovereignty will not bear too close examination. In technical distinction from the state, governments are the agencies or organs through which sovereigns rule. Nevertheless, government itself, regarded as an operation or process, is a sovereign's activity.

When actual social conditions approximate the hypothetical war of every man against every man, only the iron hand can establish social order. In our own day this condition has been exemplified tragically in Mexico. A heterogeneous popula-

tion, ignorant and superstitious, unable to create a state through a meeting of minds, was held together for a time by the strong rule of Diaz. Boss rule in our cities is a product of substantially similar conditions. Where they exist the hypothesis upon which Hobbes erected his political system holds good. Then, without imposing conditions, men surrender their wills and entrust their fate to a sovereign powerful enough to hold them in order.

The mistake that Hobbes made was in assuming that the state of nature is always so desperate. John Locke made the opposite mistake of assuming that it always is a condition of mutual toleration and spontaneous coöperation. It may, however, be very nearly such, and when it is, men do not surrender self-government to an instituted sovereign, or to a sovereign self-imposed. They delegate governing powers conditionally, retaining the right from time to time to limit them further and, if they choose, to depose the

government exercising them. They may continue to live under a monarch, but his rule is limited and made constitutional. It is, however, — let us never forget, — only a relatively homogeneous, intelligent, and instructed population that behaves in this fashion.

Like a personal sovereign a majority may rule arbitrarily or rule responsibly. Arbitrary majority rule, as Rousseau perceived, is a product of oppression, to escape from which men merge their individual wills in a common will. The history of trade-unionism is perhaps the most illuminating case of untrammeled majority rule. As, in the covenanted state conceived by Hobbes, an anarchist is one who elects to remain in a state of nature which is a state of war, and, therefore, may not rationally complain if the state makes war upon him, so, in a community divided into exploiters and exploited, the "scab" is one who elects to remain under oppression and, therefore, may not reasonably complain if an organized majority, pro-

voked to revolt and fighting for liberty and amelioration, oppresses him.

Over against this or any other justification of unconditional majority rule, stands the contention of the great founders of our American political system. Majority despotism, they protested, —and their argument is perhaps most clearly set forth in the writings of Samuel Adams and of Thomas Paine, — is not more tolerable than the despotism of a king. Therefore, broadly general and undefined governing powers should never be delegated. Governments should exercise only specific powers, expressly conferred and carefully defined, and these, for the further protection of minorities and individuals, should be conditioned by checks and balances. What the founders of our Republic and the Constitution builders who succeeded them did not clearly see, or, at any rate, did not fully realize, was the fact that, just as a people must be homogeneous and enlightened before it can impose constitutional limitations upon personal

sovereignty, so must it be free and democratic before it can impose restrictions upon majority rule.

If the foregoing criticism of the metaphysical notion of sovereignty is valid and of consequence, it appears that actual sovereignty and actual government are phenomena determined by conditions that have more adequately been studied and perhaps are better understood by the sociologist than by the *a-priori* political theorist. A population at peace with its neighbors, relatively homogeneous in its composition, enlightened, not exploited by a privileged class, delegates governing powers to parliaments and ministries, or to congresses and presidents, but does not merge all individual wills in a collective will or surrender itself to an instituted sovereign. When, however, oppression exists, there is sooner or later a subordination of individuals and minorities to a majority arrayed against the oppressors. If a population, not homogeneous, is or becomes too miscellaneous for

coöperation, restrictions upon authority, if any have existed, are broken down and there is a concentration of extraordinary powers in the hands of strong men. And if at any time, in any state, heterogeneous or homogeneous, ignorant or enlightened, war supervenes, personal liberty goes by the board and arbitrary government is accepted as a thing inevitable and of course.

Yet never in practice, never in the concrete world of living men, does sovereignty become that absolute power and authority which metaphysical theorizing has conceived it to be. Taking words at their face value, nothing corresponding to the textbook definitions of sovereignty exists or ever has existed in the world. The state itself is not absolute. Only Treitschkes and Kaisers so think of it. Like everything else concrete and actual, it is a phenomenon of relativity. It is conditioned by realities beyond and wider than itself. It is subject to cosmic limitations, and sovereignty cannot tran-

scend the laws of an orderly and ordering universe. Nor can it transcend the limitations imposed by the circumstance that mankind is politically organized in many nations, and that no nation can safely run amuck among its neighbors. Sovereignty, therefore, is subject, as the signers of our Declaration acknowledge, to "a decent respect to the opinions of mankind." Moroever, it is subject further to limitations imposed by the human nature of its own subjects. Not only in democracies, but everywhere and always, rulers and ruling groups exist by the consent of the many. Finally, like every intellectual being the sovereign is subject, as Greek and Roman saw, to the rule of reason; and like every ethical being it is morally responsible to the intelligent conscience of all mankind, now living and hereafter to live.

Sovereignty, accordingly, is not, it never was, it never can be, "an original, unconditioned, universal, and irresistible power to compel obedience." Neverthe-

less, it is something very real and very great, for in all its forms and expressions it is — and in these words we may define it — *the dominant human power, individual or pluralistic, in a politically organized and politically independent population.*

And the state, the mightiest creation of the human mind, is also the noblest expression of human purpose. Were it, however, absolute, it would defeat all purpose. Finite and relative it is, of necessity. To fulfill its destiny it must hold itself responsible.

III

RIGHTS OF THE STATE

THE story is told that a distinguished jurist, long on the supreme bench of his state, warned his son, lately admitted to the bar, not to suppose that the primary purpose of the law is to render justice. The first business of the law, he said, is to settle disputes.

The thought is not new. Indeed, it is older than the law itself; for adjudication was invented to terminate quarrels subversive of social order. For unnumbered generations it was applied to put a stop to clan vengeance and private feuds.

Admitting that the aphorism quoted is crudely true, the common sense of mankind accepts it with reservations. Justice is one of the matters that common sense jealously cares about. The plain man is sure that he knows what justice is and cannot understand why philosophy and

jurisprudence find difficulty in defining it. He holds that it is the basis of endurable and so of enduring, social relations, and he insists, therefore, that a dispute is not settled really until it is settled justly.

The state makes law, and, as the phrase goes, it "administers" justice. Does the state, then, create justice? Or, is justice of independent origin and prior to the state, and its moral foundation?

The question is one on which wise men have differed. A third hypothesis may be entertained. Are justice and the state possibly identical, and coeval?

The first broadly philosophical discussion of the subject we find in Plato: in the incomparable "Republic." Plato did not think of justice in terms of equivalence. It was neither an eye for an eye and a tooth for a tooth, nor yet a mere rendering of equal values in the market-place. As Plato conceived it, justice is adjustment; and not so much an adjustment of personal claims, and thereby a settling of dis-

putes, as an adjustment of social services, to the end that all men may live the good life.

Men differ, he observed, in aptitudes and in abilities. There are wise men, competent to govern. There are brave men, qualified to be soldiers. There are skillful men fit to be craftsmen, hardy men fit to go forth in ships, and sturdy men fit to till the soil. If every man, then, does that which he can do best, all profit, and the community prospers. The division of labor assures economic gain.

It assures, also, something more; shall we say something higher, or nobler? Plato discovered in specialization ethical values which Adam Smith, if he rediscovered them, did not attempt to analyze. In doing what he can do well, the normal human being finds rational satisfaction. He lives sincerely. He is conscious of power, and of worth. He strives, he thinks and plans, he becomes right-minded. So living, he attains and follows the good life, which, as Plato saw it, consists of actions

and satisfactions that reason, reviewing and pondering, approves of.

It is not enough to say that Plato here anticipates our best educational psychology. He anticipates, also, our educational sociology. Only organized society can put the square pegs in the square holes and the round pegs in the round holes. Therefore, only in organized society are justice, true education, and the good life possible. The community which makes social adjustments by assigning to citizens different functions according to their several aptitudes and abilities, so inviting and committing them to the good life, is the republic, an ideal state.

In one detail only did Plato fail to see the problem whole. His republic is a static state. If the adjustments that he contemplated could once be made, an equilibrium of moral forces would be established which no one would wish to disturb. The interests of individuals would balance one another, and the interests of citizens, regarded as individuals,

would balance the interests of the community, regarded as an entity. The state would be perfect, and its individual members as nearly perfect as man can be. Continuing progress toward an unattained goal would no longer occupy attention. Plato had seen governments rise and fall, but the processes of political change did not greatly interest him, and he made no attempt to explain how, within the rhythms of war and peace and under the ebb and flow of tides of human migration, the ideal republic could be brought to pass. He does, indeed, in the "Laws," give us a masterful analysis of actual social forces; but nowhere does he undertake to show that a long enduring state may at one time assume one character, and at another time another character. Of course, therefore, he does not try to set forth the causes that effect transformation.

Aristotle did try, but he did not get beyond a theory of cycles. Monarchy he thought tends to become the republic, the republic tends to become democracy, de-

mocracy tends to become tyranny, and so round and round. Until Herbert Spencer gave us his generalization of the antithesis of militarism to industrialism, no student of politics had ever seen exactly how shifting circumstantial pressures make the social type regimental or contractual, make governments despotic or representative, and stamp out liberty or establish and broaden it. Increasing circumstantial pressures, the resistless pressures of war, above all, standardize behavior, unify interests, and consolidate power. While they last they nearly destroy the kind of justice that Plato described: but when peace returns coercive pressures diminish, liberty is reasserted, behavior tends to become spontaneous, men freely differ from one another, variant types of individuality are tolerated, finer and yet finer adjustments are made, and the state approximates the ideal republic of Plato's dream.

In these generalizations there lies a vital implication as to justice conceived as adjustment. In the enduring state,

now at war, and now at peace, adjustments cannot be made once for all. Nothing is or can remain static. A "moving equilibrium" is the nearest possible approach to order. Conformity and liberty themselves, now more of one, now more of the other, are subject to never-ending readjustment. If justice is, indeed, adjustment, in the Platonic sense, then the necessary adaptations of conformity and liberty one to the other, of standardized social requirement and individual variability one to another, are the supreme justice. But it is a justice infinitely difficult to attain.

Plato lived when law, as we moderns know it, hardly existed. The Hammurabi Code is evidence that the Romans, the first really great law-makers, had something to build on, as the English and the Americans, the great modern law-makers, have had Roman law to build on; yet law on the whole is Western and modern. Its development in the West has been a great intellectual enterprise which has

absorbed the thought of exceptionally able men.

In this fact we find an explanation, I think, of the singular difference between our modern approach to the problem of justice, and that which was made by Plato and later Greek and Roman writers down to Cicero. Unless we happen to be steeped in classical philosophy, or have become interested in justice through economics or biology, we approach it through an examination of juristic rights and their relations to that right or rightness which conscience apprehends, and the moral judgment of mankind proclaims.

A right, in distinction from *the* right, or that which is right, is a claim or an immunity or a liberty, that is not only asserted by an individual or by a group, but that also (and this is the important matter) is allowed and confirmed by other individuals and other groups. It is frankly and wholly objective. A juristic right, accordingly, is a claim, an immunity, or a liberty that is created or allowed, con-

firmed, and enforced by a state. To minds that think clearly without too exhausting effort, it is sufficiently plain that a juristic right may or may not be right. It may embody and express rightness or wickedness. Rights sturdily upheld by one generation may be branded infamous by another. It was only two generations ago that property in a slave was a juristic right upheld by the Supreme Court of the United States.

Looking over the moral and legal history of Western civilization through four or five centuries past, we discover occasional brief periods in which juristic rights seem to have parted company with moral right, and other, longer periods, in which there has been earnest striving to identify state-made law with popular moral judgment. On the whole a great advance has been made in morally rectifying juristic right. Progress in this direction has not been limited to municipal law. It was conspicuous in the growth of that important body of rules called inter-

national law, or the law of nations, which, until it was flaunted by the German invasion of Belgium and by subsequent acts of faithlessness, we had dared to hope had limited the possibilities of war and for all time mitigated its horrors. Confident that the law of nations will be reëstablished broadly and strongly when peace returns, I venture to think that in the approximation of juristic rights to moral requirements we find the most convincing proof of moral, in distinction from a merely material or economic, progress. Mankind does become better, as well as richer and more comfortable, as the ages pass.

The various aspects of right have not, however, received equal attention in any generation, and from time to time interest has shifted from one to another phase. Yet one exception to inconstancy there has been and is. Since the democratic movement began there has been a progressively insistent demand that fundamental rights of life, liberty, and oppor-

tunity shall be secured equally to all men. Privilege is declared to be unrighteous, and is denounced as unjust because inequitable. Here we arrive at the modern conception of justice. It is derived from an examination of rights and their distribution. A majority of men now living in the democratic nations hold that justice consists in an equal possession and enjoyment of fundamental rights.

Plato, I suppose, could easily have reconciled this conception of justice with his own. To secure to every man opportunity to render his best service to the community and thereby most fully to develop his own powers, Plato might well have said is the most effective way to equalize rights among citizens.

In the struggle to make law ethical, appeal has over and over again been made, as it was made in the American Declaration of Independence, to an alleged priority and independent existence of so-called "natural rights." To the legalistic mind

the term is objectionable. It seems to confound rights with right. Admitting that the morally right may be prior to positive law and have an independent authority of its own, the lawyer is disposed to hold that, strictly speaking, there are no objective rights other than the juristic rights created by the state. German political and juristic philosophy in recent years has boldly gone further and affirmed that the state is the source and creator of moral, no less than of juristic, right. The argument in form is tortuous, as becomes Teutonic thinking, but essentially it is simple. Our ideas of right, it asserts, are derived in part from the data, the procedures, and the discriminations of adjudication, and in part from the struggles of states to hold their own against enemies and to make for themselves a place in the sun. The state, therefore, truly creates these ideas, it interprets and applies them, and is the final judge of their validity. Upon this argument is built the further and monstrous contention that the

state is morally absolute and can do no wrong.

There is, nevertheless, in the Teutonic view a modicum of truth, and it is the element of truth that makes it dangerous. For this reason it is imperative that in justification of our theory of the responsible state we should reëxamine the doctrine of natural rights.

It is true, then, that in the evolution of human intelligence, ideas of right and wrong have been suggested and shaped by actual cases of alleged wrong-doing and by countless trial and error attempts to punish or to give redress, or to prevent recurrence. The vital question is, Did attempts to define and to check wrong-doing begin only when a political organization of mankind had come into existence? It is at this point that we have to fall back upon a scientific and defensible account of social origins.

There never has been a community of men from which the individual could not escape if he felt that he must. The earth

has been apportioned by its nations, but unpeopled regions remain where the hermit can exist if he prefers isolation to society. Therefore, if men generally elect to live in society, it is because they are more secure and more comfortable among neighbors than they could be alone in the wilderness. But they could not be secure, certainly they could not be comfortable, if hour by hour they were beset by assassin, marauder, or meddler. They are secure and comfortable in communities only if they enjoy immunities and liberties. In society they do in fact enjoy immunities and liberties because most men most of the time mind their own business and keep hands off their fellows. Not even the men of Ulster in the glad days of Cuchulain fought literally every man against every man. On occasion they could keep the tribal peace. "Their horses were in one enclosure that night," the story runs, "and their chariot drivers at one fire."

Now, minding one's own business and keeping hands off from fellow-beings are

habits, and habits are "natural" in every sense of the word. They are not instituted, they are not invented; they grow.

Habits of toleration are older than men, older than reason. They are products of ineffective conflict. Countless generations of group-dwelling animals, and innumerable generations of primitive men one after another learned that creatures of one kind are approximately equal in strength, while creatures of different kinds are unequal. Physical similarity carries with it approximate equality of power, and equality of power insures a measure of freedom from meddling by one's neighbors. Group-dwellers are not born free and, therefore, equal. They are born approximately equal and, therefore, acquire freedom. In the last analysis, toleration is a behavior habit expressive of an equilibrium of physical strength.

About toleration as a habit, ideas of immunity and liberty began to cluster as human intelligence developed. Men quarreled and settled their differences.

Bystanders approved or disapproved, and slowly the fabric of custom grew. Dimly at first, and then more clearly, men saw that social cohesion is imperative if the group is to be strong in war, and they began to understand that immunities and liberties, preventive of internal strife, are necessary conditions of social cohesion. So, imperceptibly, I suppose, and with unimaginable slowness and difficulty, animal habits of toleration became human *mores*, or customs of immunity and liberty.

As mores they were entirely objective. The customary claims, immunities, and liberties of the individual not only were asserted by him; they also were consented to and confirmed by his fellows. They were not merely right; they were rights. In a word, they were "natural rights" — not instituted, not invented, but products of an unconscious growth and inheritance. Collectively, they were the stuff or content of natural justice. They held men together in effective social cohesion for ages before political organization came into

being. They underlie political organization now. They are the moral foundations of the responsible state, which adapts itself to them and builds upon them.

Natural rights are of two categories. There are natural rights of the community, and natural rights of the individual. Both the community and the individual have a natural right to exist and a natural right to grow or develop.

If mankind or any moiety of the human race has a moral right to exist, a community or society has such a right because it is only through mutual aid that human life is possible, and only through social relationships that the intellectual and the moral life of man can be sustained. The natural right embodying and expressing the moral right to exist is the right of self-defense, comprising on the part of the community the right to wage defensive war.

The right to grow or develop is involved in the right to exist. When growth ceases, in mind or body, death begins. This is not

disputed. But actual growth brings things to pass over which controversy rages and wars are fought. Has the individual a moral right to grow at the cost of his neighbor? Has the community a right to grow by invading and colonizing, or by conquest and annexation? Teutonic arrogance has made to these questions an answer abhorrent to the conscience of the civilized world. Grotesquely misapprehending Darwinian doctrine, it has proclaimed the superman. The survival of the fit it conceives as the survival of the brutal. Mercy toward the weak it denounces as immoral.

Now, it happens that "the fit," as the phrase is used in biology, are those that are adapted to the environment in which they happen to live. If the environment is the jungle, tooth and claw, strength and cunning, ferocity and cruelty, may have survival value. But if the environment is human society, toleration and group feeling have survival value. Civilized human society is a moral environment which calls

for intelligence, comprehension, justice, and good faith.

If, then, society is to endure, individual growth is subject to imperative limitations. It must be a function of inhibitions no less than of spontaneous actions. Natural justice prescribes the limitations. The individual has a moral right, confirmed in natural rights, to develop on equal terms with fellow individuals. All have equal, but only equal rights to life, liberty, and the pursuit of happiness.

In like manner, if civilized human society is to survive and civilized man is to continue his career of progressive achievement, the growth of communities must proceed within the limitations set by natural justice. Nations may not equally develop. Probably they never will or can. But they must develop on equal terms. No more than individuals may they grow by murder, theft, or fraud. They have equal but not unequal natural right to utilize the resources of the earth, to trade, to navigate the seas. Only on this basis of

natural justice can an enduring peace be established.

With the rise of political organization rights of a new order come into existence. These are the rights that lawyers call positive or juristic. They may be, and, as we have seen, they tend to become embodiments and expressions of natural rights; but in their character as positive or juristic they are created by the state. They are of two categories, namely, rights of the sovereign and rights of the subject. Rights of the sovereign are immunities and liberties which the state asserts and maintains in its own behalf. They comprise, first, rights of the sovereign as trustee for the community and for the individual; and, second, the right of the sovereign to coerce any individual or group or organization of individuals. Rights of the subject comprise rights to life and security, rights to liberty, and rights to opportunity. Incidentally, and as means to ends, they comprise domestic rights, including rights

of marriage, the right of property, and rights to bring action for redress of injury.

For practical purposes all of these rights center in the right of the sovereign to coerce. If that one right were not maintained, law would become admonition only. Positive rights would become no more than natural rights. It would be idle for the subject to look to the state for security or redress. The sovereign would cease to be a trustee for community or individual and would become either a mere adviser or an oppressor.

Anarchism, and pacifism of the thoroughgoing sort, deny the moral rightfulness of any government of man by man which involves resort to force. Anarchists and pacifists have hitherto been relatively ineffective minorities, but at the present time their number is increasing, and their influence threatens to be not inconsiderable. It is, therefore, important to see clearly what their creed involves.

Broadly, it involves the resolution of

political society into natural society and of positive rights into natural rights. Specifically, it means disintegration and a probable resumption throughout the world of local wars now repressed by national states. Aggressive ambition will not cease to invade. Jealousy and hatred, envy and fanaticism, ignorance and fear, will lend support to ruthlessness. The feeble-minded, as now and always, will aid and abet the unprincipled. Again there will be private vengeance, family feuds, race riotings, and a net increase of violence.

It is true that there are pacifists who profess to believe that organized wrong-doing is a product of preëxisting force and would cease if armed resistance were discontinued. The evidence is overwhelmingly against them. More than any war hitherto, the conflict to which we now are committed has clarified intelligence upon the absurd proposition that the makers of aggressive war would cease to slay and loot if the makers of defensive war should cease to fight.

It is true, also, that the amount of war in the world has not diminished, although minor wars have been stopped by political integration. Statistical attempts to prove that war, on the whole, has been diminishing are not convincing. The true explanation of this regrettable fact, however, gives no support to the pacifist contention. We still have to arm and to fight for the very simple, and, to clear-seeing minds, very obvious, reason that the work of defensive war is not yet done. The makers of aggressive war have not yet been put out of business, and until they are put out of business completely and forever, we need not look to see a steep descent of the statistical curve of war activities. If with sincere hearts we desire to see the end of war, we must with grim determination translate from the potential into the imperative mood the word of Holy Writ, "They that take the sword shall perish by the sword."

There is one contingency that troubles many minds, otherwise clear upon the

rightfulness of defensive war, upon which a word should be said. We have seen that the community has a natural right to grow as well as to exist, but not to grow by aggression. Can the state, then, under any circumstances engage in war in order that it may grow? Can a war in assertion of the right to grow be construed as defensive?

If the principle of natural justice at which we arrived through our analysis of moral right and natural rights is true, the answer to this question is reasonably certain. Communities have a natural right to grow on equal terms. If that right is denied, the community that suffers thereby clearly has a moral right to assert its natural right in the premises. War in defense of that right is defensive war. Furthermore, in a broad view of natural justice and of the grounds upon which enduring peace may be established, it is defensive war if a strong nation aids a weak one to maintain its natural right to grow on equal terms with its neighbors.

Greek and Roman writers were interested in the problem of safeguarding rights. They saw how easily an unscrupulous sovereign may ignore the rights of subjects or ruthlessly override them, and they perceived the immense importance of sound political knowledge, shared and alertly attended to by free citizens. In particular, they insisted that freedom is possible only if the will of the sovereign is formulated and declared in advance of action by subjects. Institution and promulgation are of the essence of legality.

Far deeper and broader has been the interest of the Western mind in the safeguarding of rights since the days of King John and Magna Carta. Rights were there formulated and set down in a document. From that day until the Civil War in America there was a growing reverence for written guarantees of liberty and an increasing reliance on them. Probably no secular writing has ever been held so nearly sacrosanct by multitudes of men as the written constitution of the United States.

Yet the wiser interpreters of constitutional law have not failed to warn that written constitutions are but ineffective barriers to governmental encroachment unless generation by generation upheld, adapted, and applied in the decisions of concrete cases by the courts. In our own country we have fallen into the habit of supposing that this function can adequately be discharged only by a supreme court endowed with great and unique powers. That this belief is not necessarily true has been adequately demonstrated in Professor A. V. Dicey's illuminating exposition of England's unwritten constitution, made up of usages and precedents, "The Law of the Constitution."

In recent years we have begun to see that the real restrictions of arbitrary governmental action and the real guarantees of liberty lie even deeper in concrete fact than judicial decisions do. They are inherent in the temper and habits of the people. These, it is true, are not always stable, and wise men have distrusted

democracies. Edmund Burke thought them vacillating and dangerously radical. Sir Henry Sumner Maine, on the contrary, believed that they would prove to be slow-minded and unprogressive. Between these opposite opinions is the view entertained by a majority of men experimentally acquainted with the actual workings of democracy in western Europe and in America at the present time.

The basis of their faith that democracies can cohere, can maintain order by giving adequate authority to their governments and yet restrain their governments from arbitrary action, and can safeguard adequately the liberty of individuals, is a procedure: a popular habit. The procedure is this: Democracy bows to the decision of a majority, freely made in actual and lawful election by a broadly democratic electorate. By so yielding to the major will a democratic people coheres and achieves. This action, however, proceeds upon a condition, which is, that the minority or the minorities shall at all

times be free to dissent intellectually, to protest in speech, to agitate and persuade, to conduct campaigns openly, and endeavor in all peaceful and lawful ways to detach individuals from the majority and win them to the support of a minority in the hope that thereby the minority may presently become the majority. By insisting upon this condition and resolutely standing for all its legitimate implications, a democratic people safeguards and keeps its liberty.

One reservation must be made. In time of war the liberty of minorities and of individuals is inevitably curtailed. In time of war the state rightly demands the loyal and active coöperation of all citizens. Putting upon its government extraordinary and herculean tasks, sending youth and manhood to die that children and children's children may live, the state in time of war rightfully says that those who safely stay at home shall "play the game" and not stand carping on the side lines. While war lasts things cannot be or con-

tinue "as usual," whether business, or pleasure, or freedom of speech. The supreme business in war is to overwhelm the enemy; the supreme pleasure, to anticipate his unconditional surrender; the supreme freedom, to shatter and destroy the menace of his efficiency. Criticism of blundering and ineffectiveness there must be: discussion of questionable methods and policies is requisite: but criticism and discussion must be ordered intellectually and held to the point. Open or disguised obstruction may not be tolerated.

Not until victory is won and just peace is made: tolerated then it must be. If in days of peace the natural rights of minorities are abridged by positive law or denied by administrative action, the dissatisfied resort to secret meetings, conspiracies, and force. When laboring under political stress a majority may be embarrassed seriously if hampered in quick, decisive action by an obstinate minority; nevertheless, full recognition of the natural rights of minorities is the condition upon

which the working unity of a democratic people is maintained, and any attempt to abridge by law or otherwise the natural rights of morally decent speech and peaceable assemblage is a blow at the foundations of democratic government in the responsible state.

IV

DUTIES OF THE STATE

THE responsible state not only has powers and rights; it also has duties. No one that has had patience to follow so far the present examination of political facts and theories will expect now a defense of any doctrinaire philosophy of governmental functions. The dogma which so often we have heard repeated in our own country, that the government is best which governs least, is doctrinaire if this word has any intelligible meaning. So also is the opposed dogma of state socialism, which avers that governments should take over most of the functions now discharged through individual enterprise and voluntary coöperation.

Once, in an ironical mood, I said, in answer to a classroom question, and with warning that my words must not be taken too literally, that the anarchist is a man

who wants law and government for nobody and for no thing; the socialist, a man who wants law and government for everybody and for everything; and the individualist, a man who wants law and government for everybody and everything except himself and his own business. There is just enough truth in this exaggerated way of putting the matter to admonish us that we should approach the problem of the duties of the state with open minds and a sincere desire to discover what is socially possible and practically expedient no less than what is fundamentally right.

We may start upon our quest from the presumption that the duties of the state are not the same at all times and under all circumstances. It is reasonable to assume that they are neither so simple nor so indisputable in the immensely complex society of modern Europe and America as they were under relatively primitive conditions. Above all, they cannot be the same when the nation is at war, or is men-

aced by militarism, that they can and should be when the world is at peace and sincerely desirous of maintaining peace.

The one duty of the state, that all citizens, except the philosophical anarchists, admit, is the obligation to safeguard the commonwealth by repelling invasion and keeping the domestic peace. To discharge this duty it is necessary to maintain a police force and a militia, and, presumably, to keep up a military and a naval establishment. Such dissent from this proposition as we hear now and then is negligible for practical purposes. Serious differences of opinion arise, however, when it becomes necessary to decide how large the military and the naval forces should be, and how they should be raised. With good reason and out of bitter experience the democratic peoples in their thinking have associated great armies with great tyrannies and despotic oppression. Generally they have opposed conscription and universal military training. Great Britain and the United States have relied on small

professional armies supplemented in time of need by volunteer forces and, in the United States, by a militia or national guard. France, warned by historic disasters has laid upon all her men of suitable age the obligation of military service.

We saw that the problem of the rights of the state resolves itself into the question of the moral right of a state to coerce the individual. In like manner, it has become obvious, under the blazing light of world-wide war, that the problem of the duty of the state to safeguard the commonwealth resolves itself into the question whether national defense should be organized on a basis of impartial conscription and universal training or upon some less thoroughgoing plan. For the purposes of our present discussion objections to universal military service that spring from selfishness and fear may be dismissed. Our business is to bring considerations of right and expediency under rational examination.

From the standpoint of common sense

the first thing to be said is that the amount of danger that a nation presumably will have to face is a paramount consideration. As long as England was in fact adequately protected by a navy, she did not need a great army for defensive purposes. So long as the United States in fact enjoyed a practical isolation, we did not need either a great army or a great navy. Actually, as events since 1914 have demonstrated, England remained blind to facts that ought to have been seen and met, and deluded herself with false beliefs about a security that had ceased to exist; and actually the cherished freedom of the United States from entanglements in world-politics was already doomed. If in the early summer of 1914 England had possessed the army that her clearer-headed publicists had warned her to get ready, the unspeakable calamity of this war would not have fallen upon the world. And if the United States had heeded the call for preparedness, we should not now be asking how much longer the war is to

last. Of all the follies that the human mind can be guilty of, the least excusable is to put trust in an inadequate army. Let us either accept the pacifist contention, lay down our arms and trust in the sufficiency of sweetness and light to save us from the blood-lust of the super-savage, or, believing that the super-savage can be restrained only by the kind of might that he is capable of understanding, let us make it mighty enough to restrain him.

If this principle be accepted the case becomes fairly clear. One disastrous experience after another, including the deplorable errors of our Civil War, has demonstrated that no nation can safely rely on a volunteer system when it is caught in the maelstrom of military struggle. Why, then, not face the facts in a straightforward and business-like way? The day may come — from the depths of agonized hearts we hope that it will come — when the spear and the sword shall be made into ploughshare and pruning hook; but it has not come yet. It may long be de-

layed. It cannot come until every nation that asserts the right to grow by conquest has been cracked and scrapped by superior physical force. Until then it is the plain duty of the responsible state to make its armed forces adequate to the work in hand.

A consideration less immediate than present danger, but in the long run gravely important, we find in the reactions of a military system, good or bad, upon the character of the state itself. Before 1914, unfortunate reactions, assumed or taken for granted, held the attention of earnest men and women who were working devotedly to bring about general disarmament and, in particular, to discourage military preparedness in the United States. In apprehensive minds military preparations, and, in particular, universal military training and obligation, were identified with militarism. Almost without argument the opponents of preparedness insisted that these things must necessarily foster the growth of a military spirit

which sooner or later would rush our country into unjustifiable war.

It was a view, as we now know, which completely misapprehended militarism, and was blind to its real menace. Militarism is not so simple, and it cannot be created by instructing citizens in the tasks and duties of the soldier. The soul of militarism is a will to conquer which is rooted in aggressive instinct, and the seat of that soul is the dark brain of a personal monarch who identifies his own ambitions with the purposes of the Most High and proclaims to his people that he rules by divine right. The instruments of militarism are a dynastic family and a privileged class, ever fearful that a rising tide of democracy will destroy their hereditaments and sweep themselves into oblivion. In all the world and the pages of history there is no record of a democratic militarism. And, finally, the voices of militarism are those ecclesiastical and professorial retainers who expound and instill the obligation to spread *kultur* by

the sword. It was one of these, Professor Doctor Werner Sombart, who said: "The idea that we are the chosen people imposes upon us very great duties. . . . If it is necessary to extend our territorial possessions so that the increasing body of the nation shall have room to develop itself, we will take for ourselves as much territory as seems to us necessary. We shall also set our foot wherever it seems to us important for strategic reasons in order to preserve our unassailable strength." And thirty-five hundred German professors and lecturers like him said: "Our belief is that the salvation of the kultur of Europe depends upon the victory which German militarism is about to achieve."

On the frontiers of Germany and under the shadow of her crimes stands the democratic republic of Switzerland. Necessarily, her citizens hold themselves in instant readiness for military defense. Switzerland has universal military training and universal military obligation, but the soul

of Switzerland is free. The souls of all the nations are free from which the demon soul of divine dynastic right has been cast out. In those nations, however thoroughly they may prepare themselves against the day of defensive war, militarism, in any reasonable meaning of the word, does not and cannot exist.

It is unhappily true that small republics have now and then surrendered their wills to a military dictator, and that a plausible argument could be made that two militaristic empires, Imperial Rome and Napoleonic France, were born of such surrender. Fairly examined, the facts do not bear out the contention. Cæsar and Napoleon were not made dictators by democracies organized for war and bent on conquest. They rose to power because they were competent to exercise it in democracies unorganized and unprepared for war when their existence was imperiled by aggressive foes. They saved their states from impending ruin brought perilously near by social disintegration and un-

preparedness. It is not a fantastic notion that the history of Europe would have been altogether different from the record as it stands if republican Rome in the century before Christ had been sincerely patriotic, honest and business-like in its affairs, and if republican France, after the revolution, had been adequate to the great enterprise of democratic government.

This reflection brings us to one further consideration upon expedient policies and essentially right ways and means of safeguarding the commonwealth. Military training and obligation react not only upon the character of the state as an entity, but also upon individuals in their capacity as citizens. The evidence is abundant that these reactions are not such as the pacifist argument has assumed. Universal military training and obligation do not brutalize, they do not impair the moral sense or the intellectual vision, they do not blunt the democratic conscience. Experience has demonstrated

that their actual effect is, all in all, the precise opposite of these things. Wherever they have fairly and adequately been tried, as in Switzerland and in France, and wherever some approach to them has been made, as in Australia and of late, in Great Britain and the United States, they have demonstrated their educational value. They have diminished hoodlumism and rudeness. They have made the average man alert, cheerful, careful, and thoughtful of his fellows. They have made him orderly and diligent. They have not made him abjectly obedient, as the German soldier is, but intelligently and loyally obedient, conscious that his obedience is rendered not to a tyrant, but to a community and as part of a great social coöperation.

These results spring from the nature of the facts. Universal military training and universal military obligation are democratic. They are equitable and, therefore, just. As such they strongly appeal to the average sense of a square deal. They place all men upon the same footing in the face

of danger and death. The draft resorted to in our Civil War was not equitable and it provoked a just resentment. A volunteer system is not equitable. It throws the burden of defending the commonwealth upon the conscientious and lets the slacker escape. It is not only morally indefensible, it is also biologically and socially in the long run disastrous: it kills off a relatively large proportion of the best stocks and saves alive the worst stocks to perpetuate the race. Democracy must build upon the broad and deep foundations of equity and wisdom, or it will fail. It is not enough to equalize voting power and to make men equal before the law. They must be made equal in obligation. In France more clearly than elsewhere this truth has been perceived by the average man. He knows that his military system is just, and this knowledge is one of the great factors in the making of that noble comradeship which is the solidarity of the armies of France and of the French people.

I realize that these statements as I have made them are in form dogmatic, but they are not, I think, dogmatic in substance. Rather, they are broad inductions from concrete facts brought home to us by the war to which we are committed and which, I hope, will receive increasing attention from patriotic and thoughtful men.

When the state has discharged its obligation to safeguard the commonwealth, it must decide whether it has then fulfilled its whole duty. The political philosophers of Greece did not think so. Those great teachers, to whom our debt can never be paid, believed that the state is organized civilization, and that it is recreant if it fails to cherish civilization or neglects to promote and perfect it. The classical writers did not draw that distinction between the state and the government with which we are familiar, and it was, therefore, reserved for modern theorists to advance the proposition that while

the promotion of civilization is undeniably a function of organized society, it is not properly a function of government. The sole business of government, they have argued, is to make life so secure and individual activity so free that citizens may spontaneously and without fear devote themselves to interests and pursuits which are the content of civilization and by which, from age to age, it is enriched.

The doctrine of minimal governmental function, which already I have characterized as doctrinaire, has not been acted on consistently by any state, nor even by a political party. Only one writer of first importance, Herbert Spencer, has consistently held to it in theory. Spencer denies the moral rightfulness of government that does more than defend the state and enforce the law of equal liberty. He has made few converts, and partly, I think, because, even as pure theory and apart from practical considerations, his argument gets wrecked on the question, How, concretely and actually, shall the

law of equal liberty be enforced if we conceded the rightfulness of coercion to that end? If undertaking to enforce equal liberty, the state may invade my pocket-book or my bank account to pay for courts of justice, and may keep me in jail if I commit crime or tort, why may it not obtain unforced obedience to basic moral law by training my boy in school? If a government may righteously quell riot, why may it not prevent riot by abating riot-breeding conditions? Mr. Spencer's answers to questions like these are not his most convincing words, and I doubt if the human mind has yet discovered a logical middle ground between anarchistic denial of the moral rightfulness of any government whatsoever, and admission that governments may promote civilization as well as defend it.

What, then, is civilization? It is easier now to answer this question than it was a generation ago. Objective contrasts aid intellectual discrimination. Comprehensively, civilization is all that kultur is not.

Civilization is the sum of urbane achievement since men began to live in towns. It is not circumscribed by age, or region, or race. It is a measureless heritage, and the possession of mankind. Kultur by contrast comprises the social order, impedimenta, and purpose of a tribally minded folk that has not evolved beyond the conceit that it is a peculiar and chosen people.

Arts and processes, wealth and splendor, monuments and temples, industry and trade, science and letters, are civilization in its outward aspect. Subjectively, inwardly, civilization is honor, fidelity to obligations, and human comprehension. As its name denotes, it arose with the city-state. It grew with the expansion of political organization, and through the centuries it was fed by the interminglings of men and contacts established between one culture and another throughout the known world. Honor was its soul at birth because, as has been shown, nothing less than good faith could hold together men of different breeds when tribal organiza-

tion broke down. The performance of obligations, the fulfilling of contracts, the keeping of treaties, has ever been the habit of civilization, because honor demands these things, and without them there could be no truce of feud or petty war, and, therefore, no periods of peace in which the creative arts could flourish and gain ground. Comprehension of man by man civilization has striven for and taught, because only thereby can the countless varieties of men be incorporated and assimilated in the expanding state. Kultur can scorn an alien race because its aim is not to assimilate but to conquer. It can make scraps of paper of its obligations because it recognizes no other source of right than its own imperial will.

Civilization ameliorates human misery. It humanizes conduct. It enlightens the human mind. It makes social intercourse polite. All these things it does as recognizing in amelioration and in kindliness, in urbanity and in enlightenment, qualities which are their own justification. It

holds a deep and burning indignation against wanton destruction and savagery, and it does not permit us to forget that the outward bearing of the cultivated man or woman, a product of the life of towns, is unmistakably different from rudeness. It admires intellect and renders homage to it. Kultur cares only for efficiency, and supremely only for the efficiency that masters and rules. For mental power it cares, as a means to mastery. For economic amelioration it cares, as a thing necessary to the maintenance of armies and the vigorous growth of a soldier-breeding population. For social order it cares, as a means of discipline. For education it cares, as a teaching of obedience and a preparation for war. It prefers rudeness to civility, and brutality to gentleness, as more aggressive and fear-inspiring. The forgiveness of enemies, the out-reaching of mercy, and the uncommanded play of intellect in the sheer joy of scientific discovery or of artistic creation, it cannot understand.

For the responsible state the understanding of civilization is a duty; a duty as clear as that of understanding the difference between barbaric tribalism and political organization. Understanding a civilization that holds fast by honor, that ameliorates and humanizes, that enlightens and makes urbane, the responsible state is under moral obligation to strengthen and promote it.

Is it, however, under obligation — we return now to our question — to foster the enterprises of civilization through governmental activity, maintained by taxation and resorting to force? To be more specific, is it the duty of the modern responsible state — above all, of the democratic state — to ameliorate the economic and the social lot of man through economic activity beyond the protection of property and the enforcement of contracts.

The socialist answers "yes." The extreme individualist says "no." We have seen reason to doubt whether a morally

authoritative answer can be found in the principles of natural justice. Expediency must be our guide, and upon grounds of expediency a majority of disputants are content to rest.

The socialists contend that we are now living under a social order that is wasteful and unjust, and which individualism cannot make right. The basis of this order is private property in land and in the instruments of economic production. The state has created private property, it enforces contracts which it assumes are freely made, and it encourages competition by forbidding or discouraging combinations in restraint of trade. These legal conditions of economic activity having been established, waste and injustice, the socialist declares, are inevitable consequences and have become menacing. The wastefulness of competition, he alleges, has always been acknowledged, and by none more openly than by the ablest captains of industry and finance, who have persistently attempted to prevent it by

entering into understandings and creating combinations which the law discountenances. The state has insisted on competition in the belief that, even if not economical, it is none the less an automatically working means of effecting equitable distribution. This belief the socialist tells us is false. Land comprises not only agricultural terrain, but also mineral resources, water power, forests, and areas advantageous for industry and trade. Held as private property they become the possession of a relatively small class of owners. Supplementing natural monopolies are corporate rights and franchises which the state creates. Enjoying these, men of superior business courage and sagacity have been able to gather to themselves opportunity, profit, and power, and the multitude more and more has been placed at capitalistic mercy. Nominally, and in legal assumption, there may be freedom of contract between the employer and the wage-earner, but practically, because of the power of the one and the help-

lessness of the other, the wage contract is made under duress.

The individualist, answering, says that the resources of the earth are by no means yet monopolized, and that the way to success is open to every man who has the persisting will to fare forth upon it. Competition may be wasteful, — undoubtedly it is; unscrupulous political influences may have created privileges and rewarded henchmen with franchises, — we know that they have, — and men may not be equal in bargaining power. Nevertheless, under the relatively great economic liberty of individualism, an economic organization, industrial, commercial, and financial, has grown up which is staggering in its magnitude and amazing in its complexity. Working in it and through it, the industrial nations have produced a volume of material goods that has enabled their populations to multiply and to live not only above the plane of want, but in comfort.

Furthermore, the individual initiative and enterprise which have created mate-

rial well-being, have organized also countless agencies of specific amelioration. Scientific research has been supported and encouraged. Medicine, surgery, and sanitation have diminished physical suffering to an extent beyond the power of imagination to picture. The relief of actual need is in general assured. With voluntary activity in these humane tasks governments have coöperated. They have permitted wage-earners to organize in unions. They have restricted the hours of labor of women and children. They have required the stated payment in lawful money of wages earned. They have required safe construction of the dwellings of the poor, and wholesome living conditions. They have cleaned the streets, and opened parks, playgrounds, and libraries. They have provided schools and required children to attend them.

Between the socialist and the individualist, who shall decide? Has the one or the other made out a convincing case of the duty of the state?

Assuredly, no. The only thing made clear is that the question remains open, and therefore the duty of the state in respect to it is, I think we shall agree, to keep it open until there shall be a more decisive and satisfying meeting of minds upon the issues involved than is possible now.

This means, it will be said, a waiting or drifting policy. I should prefer to say that it means experiment and an experimental policy. Experiments in coöperation, including so-called "syndicalism" and local communism, experiments in the municipal ownership and control of public utilities and of basic trades and industries, experiments in national ownership of railroads and mines, are being tried, and perhaps will more extensively be tried as time goes on. I doubt if any one is wise enough to say that they certainly will fail or that they certainly will work out well. Whatever happens, it will be the part of wisdom to observe them and to learn from them.

As guardian of the commonwealth and

of civilization the state is under obligation to be efficient, but its efficiency must be a civilized efficiency, and it must not break the spirit of a free people or discourage their initiative.

Great has been the vaunting and the praise of German efficiency. The world looked on in admiration as the German Empire, through nearly half a century of peace, extended its commerce, created industries, perfected municipal administration, organized education, diminished unemployment, and mitigated misfortune. To-day the world stands aghast at the power of German militarism to destroy and lay waste. Admiration is dead and no resurrection awaits it, for we know that the whole intent of efficiency under Hohenzollern rule was to put "Deutschland über Alles" and make its Kaiser lord of the earth. Other things, too, we know, for in exposing her purpose Germany has revealed the moral and intellectual devastation of her people, made craven by authority and fear.

The nations that have summoned their manhood and devoted their resources to the mighty task of destroying the power and the menace of militarism were not efficient for military achievement. They were in no way prepared for war. Suddenly, and in the face of difficulties almost insuperable, they have been forced to create armies, to produce munitions, and to organize the mechanism of society for prolonged and relentless fighting. Necessarily, they have centralized command. Industry and trade have been brought under authoritative regulation. The wastes and ineptitudes of an individualistic régime which socialism denounced, were encountered as realities, and the strong hand of government was laid upon them. Small wonder it is that thoughtful men to-day are apprehensive. To save themselves from Prussian domination must free peoples Prussianize themselves? Is German efficiency the only efficiency that can now survive?

A calm survey of all the facts should re-

assure us. It was the spontaneous power, the individual initiative, and the quick, voluntary coöperation of free peoples that met the first onrush of Teuton hosts. It was the democratic habit of facing emergencies courageously, the democratic resilience, and the democratic readiness to make new adjustments demanded by altered conditions that made possible and rendered certain the successful reconstitution of the social order for the tasks of war. In these qualities of democracy we may trust. The democratic state is indeed a mechanism infinitely complex, but not an inflexible, unalterable mechanism as of brass or steel. It is a vital mechanism, flexible and adaptive. A living body, animate and conscious, it can meet crises or fall into habit. It can learn by trial and error, and it can anticipate by reason.

The war will end, and the necessity for centralized command will once more be less imperative. It is improbable, however, that the old individualism will come back in all its irresponsibility and inade-

quacy. We shall demand coördination and correlation. We shall demand conservation and economy. We shall insist upon a more equitable distribution of the net product of toil. But socialism of a mechanical, static type we may be very sure will not appeal. The social system will become not simpler, but more complex; not harder and more resistant, but more adaptive; not more authoritative, but more intelligent.

These things will happen because, after all, democracy does learn from experience, and, after all, natural selection goes on in the human race and slowly the race improves. The incompetent and the irresponsible are many, but increasing social pressure and the struggle for existence make their lot ever harder and will continue to eliminate them. Next after militarism, their number and their political power is the greatest present menace to civilization. They are the stuff that anarchism is made of. Only as their relative influence diminishes, only as democracy

develops a more generous admiration of intellect and a deeper appreciation of character, and more clearly sees that while all men rightly may vote, not all men are competent to organize and to govern, can the responsible state become in the highest degree efficient. Not by the crass substitution of a new social order for an old, not by revolution nor by authority, but through mental and moral evolution will justice come, and the good life.

For, let us never forget, the responsible state is not an abstraction. It is a politically organized people, and a politically organized people is a body of citizens. If the state is efficient, it is because they are competent. If its policies are wise, it is because they have the open mind. Only in their individual hearts can the honor of the state be kept untarnished; in their individual souls its glory lives.

THE END

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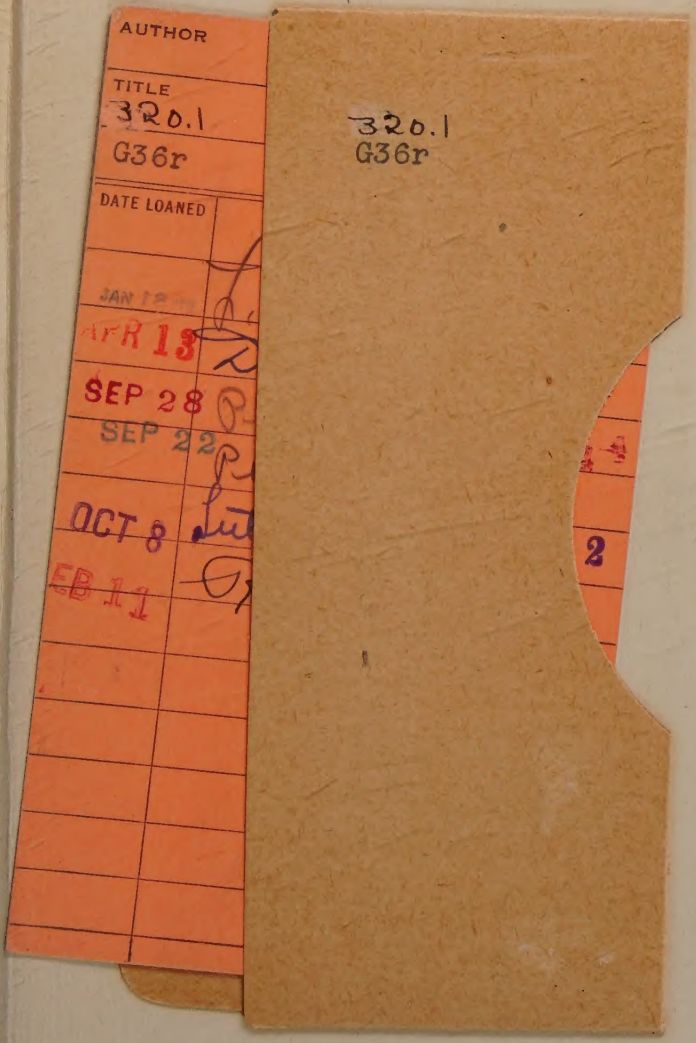
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